



Disclosure of Information

Policies and procedures concerning the availability of and disclosure of records and information maintained by the Mississippi Emergency Management Agency is in accordance with Section 25-6-1 et seq., Mississippi Code of 1972, "The Public Records Act of 1983." This applies to all records and information materials generated, developed, or held by MEMA.

Public Records Request

"The Public Records Act of 1983", Miss. Code Ann. § 25-61-1, et seq., states that it is the policy of the Legislature that public records must be available for inspection by any person unless otherwise provided by this act. As such, Miss. Code Ann. § 33-15-11(12) exempts information and data for assessment of vulnerabilities and capabilities within the borders of Mississippi as it pertains to the nation and state's security and homeland defense.

All requests for public information from this agency must be made in writing using the form attached to this policy to:

Mississippi Emergency Management Agency
Legal Division
P.O. Box 5644
Pearl, MS 39288

Requests, using the accompanying form, may also be e-mailed to FOIA@mema.ms.gov or faxed to (601) 933-6810.

If public records requests are not directed through the channels provided above, official receipt of your public records request may be delayed as it may take additional time (no more than two working days) to route your request to the correct agency department.

Requests not made on the MEMA Official Public Records Request form will not be recognized as an official public records request. The purpose of using this form is to readily identify your request as a public records request made pursuant to applicable state laws, and will provide the agency with the information necessary to efficiently and expeditiously comply with your request.

Costs for Public Records Requests

Please note that whenever possible, records will be provided at little or no cost to the requestor. However, MEMA (the agency) may charge reasonable fees as follows to cover retrieval and copying costs. Per Miss. Code Ann. § 25-61-7, MEMA requires that any associated cost be paid in advance of complying with a request for public records. The following charges are applicable for public records requests to MEMA:

- No charge for inspection of public records
- \$10 per hour for clerical assistance.
- \$40 per hour for professional and/or technical assistance.
- \$0.25 per copied page.
- \$0.10 per scanned page.
- Associated delivery costs.
- Other costs as determined due to the nature of a specific request.

In the event that the estimated costs for production of public records exceeds \$30.00 (Thirty Dollars), (for example approximately two hours of clerical assistance, 15 minutes of legal assistance, and 40 paper copies or 100 electronic copies) MEMA will provide the requestor with an estimate of cost. This estimate must be paid prior to any production. If costs for actual production exceed the estimated cost paid, MEMA will produce documents up to the cost provided and will send a second invoice for the remaining cost of production. The method is employed to avoid non-payment of charges for a public records request that has already been performed. To fulfill a public records request MEMA employees must stop work on their everyday duties of emergency management to identify, retrieve, and review public records. This method ensures that these efforts will be compensated for, especially when fulfillment of the request has been extensive and time consuming.

Inspection of Public Records

Inspection of public records is available at no charge. Inspection must be conducted the Mississippi Emergency Management Agency, #1 MEMA Drive, Pearl, MS 39208, during normal hours of operation (Monday through Friday from 8 a.m. to 5 p.m. excluding state holidays). Requests for inspection of public records must be made on the attached MEMA Official Public Records Request form and must be submitted according to the guidelines above. Appointments for inspection of public records will be made no sooner than two business days after receipt of an official public records request for inspection made according to this policy. If it is required that information must be redacted from public records available for inspection pursuant to the Miss. Code, the timeframes outlined below will be employed for inspection of public records. If redaction of information is necessary, the charges will apply as outlined above pursuant to Miss. Code Ann. § 25-61-5.

Timeframes for Responses to Public Records Requests

The agency will make all efforts to respond to each request within seven (7) working days as provided by §25-61-5, Mississippi Code of 1972. However, MEMA may not be able to produce all requests for public records within seven (7) working days and will produce within fourteen (14) working days after providing the requester with a written explanation of why production cannot be made within seven (7) days. Further, if the State Emergency Operations Center is activated due to an emergency, whereby all agency personnel will be involved in response and recovery operations, all requests will be handled after the agency has returned to normal operation status.

Exemptions

1. Requests for MEMA records may be denied if disclosure is exempted under any provision of the Miss. Code Ann. including but not limited to §§9-1-38, 13-5-97, 25-1-100, 25-1-102, 25-1-111, 25-61-9, 25-61-11, 27-3-77, 31-1-27, 33-15-11(b)(12), 39-7-41, 41-9-68, 73-52-1, 79-23-1, Mississippi Code, 1972.
2. Usually, except when a record is classified, or when disclosure would violate any other statute, the authority to withhold a record from disclosure is permissive rather than mandatory.
3. The authority for non-disclosure will not be invoked unless there are compelling reasons mandating such action.

Records of Other Agencies

1. If a request is submitted to MEMA for current records that are the primary responsibility of another agency, MEMA will refer the request to the pertinent Agency for appropriate action.
2. MEMA will advise the requester that the application has been forwarded to the responsible Agency.

Denials of Public Records Requests

Per Miss. Code Ann. § 25-61-5 denials by MEMA of a request for access to or copies of public records will be made in writing and will contain a statement of the specific exemption relied upon by the public body for the denial.

Suspension of Timeframes in times of Emergency

Pursuant to Miss. Code Ann. § 33-15-11(c)(1) allows the Governor to suspend the provisions of any regulatory statute, including the Public Records Act of 1983, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with a disaster or emergency. As all employees of MEMA have the primary responsibility for emergency management or support for emergency management functions, in times of disaster or emergency as declared by the Governor in a Proclamation of Emergency, the time frames regulated by statute and this policy may be suspended in order to adequately provide emergency or disaster assistance to the state of Mississippi and its citizens.



MEMA

MEMA Official Public Records Request

All public records requests must be submitted by use of this form and delivered to:

By Mail:
Mississippi Emergency Management Agency
Legal Division
P.O. Box 5644
Pearl, MS 39288

By Hand Delivery:
Mississippi Emergency Management Agency
Legal Division
#1 MEMA Drive
Pearl, MS 39208

By Email:
FOIA@mema.ms.gov

By Fax:
601-933-6810

Name of Person Requesting Records _____

Organization of Person Requesting Records (if applicable) _____

Contact Information:

Mailing Address _____

Phone Number _____

Email _____

In many instances, MEMA must contact a requestor to clarify their request. Please provide your preferred method of contact, understanding that contact by mail will not be as timely as a phone number or email contact and may delay your public records request. Please circle your preferred method of contact:

Mail Phone Email

Description of Public Records Request (please attach additional pages if necessary) _____

(Detailed and descriptive requests generally are more cost effective to the requestor and prevent the production of unwanted or unnecessary information and the subsequent charging for said unwanted and/or unnecessary information).

Please check your preferred method of production:

- Inspection (no charge)
- Paper copies (\$0.25 per page)
- Electronic copies (\$0.10 per page)

Preferred method of delivery if not inspecting:

- Pick up at Pearl office (no charge)
- Mail for paper or electronic copies (charged U.S. Postal Services Standard Mailing Rate for appropriate package size)
- Email for electronic copies (available only if the electronic file is small enough to be emailed according to MEMA's server capacity)

(Please remember that inspections will be conducted pursuant to MEMA's published Policy on Public Records)

If estimated costs exceed \$30.00 (Thirty Dollars), approximately two hours of clerical assistance, 15 minutes of legal assistance, and 40 paper copies or 100 electronic copies, MEMA will provide the requestor with an estimate of cost. This estimate must be paid prior to any production. If costs for actual production exceed the estimate cost paid, MEMA will produce documents up the cost provides and will send a second invoice for the remaining production.

I, _____ (print name), hereby acknowledge the terms provided in MEMA's Policy on Public Records Requests and further acknowledge the willingness to remit any costs associated with my public records request as described above.

SIGNATURE OF REQUESTOR

DATE